

**EXPLANATORY MEMORANDUM TO
THE PRIVATE SECURITY INDUSTRY ACT 2001(DESIGNATED ACTIVITIES)
(No. 3) ORDER 2005**

2005 No. 2251

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 Section 3(1) of the Private Security Industry Act 2001 (“the 2001 Act”) makes it an offence to engage in licensable conduct except under and in accordance with a licence granted by the Security Industry Authority. For this purpose, licensable conduct involves or relates to activities which have been designated under section 3.

2.2 Article 2(2)(a) of the Order designates, for the purposes of section 3 of the 2001 Act, the activities of security operatives engaged in manned guarding (as defined in paragraph 2 of Schedule 2 to the 2001 Act) on licensed premises at or in relation to times when those premises are open to the public (as defined in paragraph 8 of Schedule 2 to the 2001 Act). Such security operatives are commonly known as door supervisors. Previously, the activities of such operatives were only designated under section 3 of the 2001 Act where they were undertaken on licensed premises in respect of which a justices’ on-licence was in force (as defined in paragraph 8(2)(a) of Schedule 2 to the 2001 Act). That designation was made by the Private Security Industry Act 2001 (Designated Activities) Order 2004 (“the 2004 Order”). Article 2(2)(a) of this Order designates those same activities as were designated by the 2004 Order and in addition designates manned guarding activities which take place on other licensed premises listed in paragraph 8(2) of Schedule 2 to the 2001 Act.

2.3 Article 2(2)(b) and (c) of the Order designates, for the purposes of section 3 of the 2001 Act, the activities of security operatives engaged in the immobilisation of vehicles (as defined in paragraph 3 of Schedule 2 to the 2001 Act) and the restriction and removal of vehicles (as defined in paragraph 3A of Schedule 2 to the 2001 Act). These activities were previously designated by the Private Security Industry Act 2001 (Designated Activities) (No. 2) Order 2005 (“the 2005 Order”).

2.4 Article 3 of the Order revokes the 2004 Order and the 2005 Order.

2.5 This Order, when designating activities which were previously not designated, also designates activities that were already designated in the 2004 Order and the 2005 Order and revokes those two orders for the sake of clarity. It is considered preferable for the reader to have all designated activities in one single designation order.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Private Security Industry Act 2001 received Royal Assent on 11 May 2001. The Act included powers for the creation of the Security Industry Authority (“SIA”) as the regulator of the private security industry.

4.2 The sectors (licensable activities) within the private security industry that will be subject to regulation by the SIA are door supervisors, vehicle immobilisers (including the removal and restriction of vehicles), manned guards, keyholders, security consultants and private investigators.

4.3 The SIA commenced the regulation of door supervisors on a geographical basis from 1 March 2004, and this was completed by 11 April 2005. The requirement to hold an SIA licence to undertake activities of immobilising, restricting or removing vehicles commenced across England and Wales on 3rd May 2005 when those activities were designated for that purpose. The manned guarding sector (which comprises the categories of security guards, cash and valuables in transit, close protection and public space surveillance CCTV operators) and the keyholder sector, will be required to hold a licence from 20 March 2006. The smaller groups of private investigators and security consultants will be licensed later in 2006.

5. Extent

5.1 This instrument applies to England and Wales

5.2 Although the remit of the Security Industry Authority will be extended to cover Scotland at some time in the future by provisions in the Serious Organised Crime and Police Act 2005, this has not yet happened so Scotland currently falls outside the remit of the SIA.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 The 2001 Act was brought in to regulate the private security industry in England and Wales. The industry has grown substantially in recent years and its work has changed from a largely passive role into one with far greater and more active contact with the public. Previously there had been little or no self-regulation and standards across all sectors of the industry varied widely. The 2001 Act was passed to protect and reassure the public by preventing unsuitable people getting into positions of trust, and to raise standards generally in the industry.

8. Impact

8.1 Regulatory Impact Assessments were prepared for the original provisions. Revised RIAs are not necessary for the consolidation of these provisions. Clarification of provisions relating to “licensed”, rather than “justices’ on-licence” will have a negligible impact on business as there are a very limited number of such licences

affected and do not warrant an RIA. These regulations do not impact upon charities or voluntary bodies.

9. Contact

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